

AMENDMENT TO H.R. 1105
OFFERED BY MS. BROWN-WAITE

At the end of title VII of division D, add the following new section:

1 **SEC. 753. BORDER CONTROL AND CONTRACTOR ACCOUNT-**
2 **ABILITY.**

3 (a) DEBARMENT OR SUSPENSION FROM FEDERAL
4 CONTRACTING FOR EMPLOYMENT OF ILLEGAL ALIENS.—

5 (1) REQUIREMENT.—In the case of a contract
6 awarded by an Executive agency, if the head of the
7 agency determines, by a preponderance of the evi-
8 dence, that the contractor performing the contract
9 directly employed, or had knowledge of a subcontrac-
10 tor's employment of, any alien whose immigration
11 status does not authorize the alien to be so em-
12 ployed, the head of the agency shall—

13 (A) debar or suspend the contractor in ac-
14 cordance with the Federal Acquisition Regula-
15 tion; and

16 (B) terminate the contract in accordance
17 with the Federal Acquisition Regulation, unless
18 the contractor or subcontractor, as the case

1 may be, agrees to terminate the employment of
2 any such alien.

3 (2) PERIOD OF DEBARMENT OR SUSPENSION.—

4 The period of debarment or suspension under para-
5 graph (1) shall be 3 years.

6 (3) ANNUAL REPORT.—The head of each Exec-
7 utive agency shall submit to Congress each year a
8 report describing—

9 (A) the contractors that the agency has
10 debarred or suspended pursuant to this sub-
11 section;

12 (B) the contracts that the agency has ter-
13 minated pursuant to this subsection; and

14 (C) any cost implications of debarments,
15 suspensions, or terminations of contracts re-
16 ferred to in subparagraphs (A) and (B).

17 (4) DEFINITION.—In this subsection, the term
18 “Executive agency” has the meaning provided in
19 section 105 of title 5, United States Code.

20 (b) SMALL BUSINESS ADMINISTRATION LIAISON.—

21 (1) ESTABLISHMENT.—The Secretary of Home-
22 land Security shall establish the position of Small
23 Business Administration Liaison within United
24 States Immigration and Customs Enforcement.

1 (2) FUNCTIONS.—The Liaison shall, in con-
2 sultation with the Administrator of the Small Busi-
3 ness Administration, ensure that the Small Business
4 Administration does not make or guarantee a loan
5 to an alien who is unlawfully present in the United
6 States.

7 (c) TRANSPORT OF ALIENS UNLAWFULLY PRESENT
8 IN THE UNITED STATES.—

9 (1) TRANSPORT.—The Secretary of Homeland
10 Security is authorized to enter into contracts with
11 private entities for the purpose of providing secure
12 domestic transport of aliens who are apprehended at
13 or along the international land or maritime borders
14 of the United States from the custody of the Border
15 Patrol to detention facilities.

16 (2) CRITERIA FOR SELECTION.—To enter into a
17 contract under paragraph (1), a private entity shall
18 submit an application to the Secretary at such time,
19 in such manner, and containing such information as
20 the Secretary may require. The Secretary shall select
21 from such applications those entities which offer, in
22 the determination of the Secretary, the best com-
23 bination of quality, lowest cost, and security.

24 (d) PROHIBITION ON DEPARTMENT OF HOMELAND
25 SECURITY FROM CONTRACTING WITH COMPANIES NOT

1 PARTICIPATING IN BASIC PILOT PROGRAM.—No contract
2 may be awarded by the Department of Homeland Security
3 to an entity that employs individuals unless the entity has
4 elected to participate in the basic pilot program described
5 in section 403(a) of the Illegal Immigration Reform and
6 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
7 note; commonly known as the E-verify program).

